

WC 06-213

SCOTT KELLOGG  
ATTORNEY AT LAW  
525 WEST HAWTHORNE PLACE, SUITE 901  
CHICAGO, IL 60657  
773-251-5580 (V) 773/572-8603 (F)

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October 20, 2006

FILED/ACCEPTED

NOV 06 2006

Federal Communications Commission  
Wireline Competition Bureau – CPD – 214 Appls.  
445 12<sup>th</sup> Street, S.W.  
Room 5-A225  
Washington, D.C. 20554

Federal Communications Commission  
Office of the Secretary

**RE: Cleartel Telecommunications, Inc.  
Section 63.71 Application to Discontinue Domestic Telecommunications Services**

Dear Sir or Madam:

Enclosed for filing with the Federal Communications Commission's ("Commission") are an original and four copies of Cleartel Telecommunications, Inc.'s ("Cleartel") Section 63.71 Application to Discontinue Domestic Telecommunications Services ("Application"). Included with the Application is a Certificate of Service affirming that in accordance with 47 CFR 63.71 of the Commission's rules, Cleartel has provided notice of the planned discontinuance of service that is the subject of the Application to all affected customers and a copy of the Application to the parties specified in 47 CFR 63.71.

A duplicate of this transmittal letter is enclosed to be stamped "received" and returned to my attention using the self-addressed, stamped envelope also provided herein.

If you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,

  
Scott Kellogg

Enclosures

cc Secretary Marlene H. Dortch

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.**

In the Matter of	)	
	)	
Cleartel Telecommunications, Inc.	)	
	)	WC Docket No. 06-_____
Section 63.71 Application to Discontinue	)	
Domestic Telecommunications Services	)	

**SECTION 63.71 APPLICATION**

Cleartel Telecommunications, Inc. ("Cleartel"), in accordance with 47 CFR 63.71 of the Federal Communications Commission's ("Commission") rules, hereby requests authority to discontinue the provision of domestic telecommunications services to customers located in the States of Connecticut and Ohio. Cleartel will continue to provide such services to customers located in other states.

In support of this application, Cleartel submits the following pursuant to 47 CFR 63.71(b):

1. The Applicant's name and address are:

Cleartel Telecommunications, Inc.  
2855 South Congress  
Delray Beach, FL 33445

2. The date of the planned service discontinuance is January 12, 2007 for Connecticut customers and January 16, 2007 for Ohio customers, or as soon thereafter as necessary regulatory approvals can be obtained.<sup>1</sup>

3. The geographic area of service affected is the States of Connecticut and Ohio.

4. Cleartel currently provides local exchange, intrastate interexchange, and interstate interexchange services to approximately 160 residential and small business customers in the affected area

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<sup>1</sup> The planned service discontinuance is the subject matter of an Exit Plan filed by the company in Docket No. 02-11-08 with the Connecticut Department of Public Utility Control ("Department") pursuant to the Department's Mass Migration Guidelines, and the Application of Cleartel Telecommunications, Inc. to Abandon All Services in Case No. 06-1272-TP-ABN with the Public Utilities Commission of Ohio ("PUCO"). The planned discontinuance dates are consistent with the timelines dictated by the Department's Mass Migration Guidelines and the PUCO's regulations.

of Connecticut and approximately 300 residential and small business customers in the affected area of Ohio. Cleartel services these customers as a reseller via the underlying network of the Incumbent Local Exchange Carrier, The Southern New England Telephone Company d/b/a AT&T Connecticut ("SNET") in Connecticut and The Ohio Bell Telephone Company d/b/a AT&T Ohio ("AT&T Ohio") in Ohio. Accordingly, Cleartel is not the provider of last resort to the affected customers.

5. The discontinuance of service proposed in this Application concerns only this dwindling minor fraction of Cleartel's broader customer base.<sup>2</sup> Cleartel acquired a small base of Connecticut customers in 2002 in its multi-state acquisition of certain assets of Essex Communications, Inc.<sup>3</sup> The company subsequently acquired a small base of Ohio customers in 2004 in its multi-state acquisition of certain assets of Now Communications, Inc.<sup>4</sup> Prior to each acquisition, the company had no base of its own in either state. Since the acquisitions, the respective customer bases have dwindled over time to the extent that it is no longer economically viable to continue servicing these small pockets of customers in Connecticut and Ohio.

6. Cleartel has sent notice of the planned discontinuance to all affected customers via first class U.S. Mail on October 10, 2006 for Connecticut customers and October 18, 2006 for Ohio customers. A copy of the notices are enclosed as Exhibit A (Connecticut) and Exhibit B (Ohio). Consistent with the Connecticut Department of Public Utility Control's Mass Migration Guidelines ("Guidelines"), Cleartel will send second and third notices to any customers remaining at the intervals specified by the Guidelines.<sup>5</sup> Consistent with the regulations of the Public Utilities Commission of Ohio, Cleartel will send supplemental monthly notices as bill messages to any customers remaining at each billing interval.

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<sup>2</sup> Cleartel provides local and/or long distance telecommunications services in thirteen states in addition to Connecticut and Ohio.

<sup>3</sup> The acquisition of certain assets of Essex Communications, Inc. was the subject of applications approved by the Commission in WC Docket No. 02-345 and ITC-214-20021011-00541.

<sup>4</sup> The acquisition of certain assets of Now Communications, Inc. was the subject of applications approved by the Commission in WC Docket No. 03-248 and ITC-ASG-20031126-00555.

<sup>5</sup> Completion of the process delineated by the Guidelines and Ohio regulations will result in the cancellation of the company's Certificates of Public Convenience and Necessity to provide telecommunications services as well as the company's tariffs. Accordingly, the company will not be resume providing telecommunications services in either state at any future date.

7. In accordance with 47 C.F.R. 63.71(a), Cleartel has sent a copy of this application to the Connecticut Department of Public Utility Control, the Public Utilities Commission of Ohio, the Governors of the States of Connecticut and Ohio, and the Special Assistant for Telecommunications to the Secretary of Defense via first class U.S. Mail, postmarked October 20, 2006. A certificate of service pertaining to the aforementioned customer notices and the copies this application to the aforementioned parties is enclosed as **Exhibit C**.

8. Cleartel is considered non-dominant with respect to the services to be discontinued.

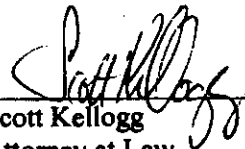
9. Questions or correspondence concerning this Application may be addressed to:

Scott Kellogg  
Attorney at Law  
525 West Hawthorne Place, Suite 901  
Chicago, Illinois 60657  
Telephone: (773) 251-5580  
Facsimile: (773) 572-8603

WHEREFORE, Cleartel believes that the proposed discontinuance of services is reasonable and necessary, and respectfully requests that the Commission grant this Section 63.71 Application, and thereby grant Cleartel the authority to discontinue the provision of domestic telecommunications services to customers in the States of Connecticut and Ohio pursuant to 47 CFR 63.71.

Respectfully submitted this 20<sup>th</sup> day of October 2006.

CLEARTEL TELECOMMUNICATIONS, INC.

  
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Scott Kellogg  
Attorney at Law  
525 West Hawthorne Place, Suite 901  
Chicago, Illinois 60657  
Telephone: (773) 251-5580  
Facsimile: (773) 572-8603

Its Attorney

**EXHIBIT A**  
**CUSTOMER NOTICE – CONNECTICUT CUSTOMERS**



**2855 South Congress  
Delray Beach, FL 33445**

October 10, 2006

Customer Name  
Address  
City, CT zip

**YOU MUST CHOOSE A NEW LOCAL AND/OR LONG DISTANCE TELEPHONE SERVICE PROVIDER  
BY NOVEMBER 29, 2006.**

Dear Customer:

We regret to inform you that as of January 12, 2007, Cleartel Telecommunications, Inc. will no longer be providing your local and/or long distance telephone service (as applicable) in Connecticut.

After a recent audit of our service in Connecticut, we have found it is not cost effective to continue doing business within this territory. As a result, we have made the decision to discontinue providing local telephone service.

Please note, we have notified the Connecticut Department of Public Utility Control concerning our intent to discontinue offering service, and applied to the Federal Communications Commission for authority to discontinue service. The FCC will normally authorize the proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, DC 20554, referencing the Sec. 63.71 Application of Cleartel. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.

Your action is required! You must act now and select a new telephone provider as quickly as possible but no later than November 29, 2006 or you will lose your telephone service. A list of most local telephone service providers may be found in your local telephone directory or online at the following link:

<http://www.dpuc.state.ct.us/DPUCINFO.nsf/ByCLEC?OpenView&Start=1&Count=30&Expand=1#1>

If you require assistance, please contact Cleartel at 1-888-389-1400.

Cleartel any regrets any inconvenience this change may cause you.

Sincerely,

James Doherty  
C.O.O

**EXHIBIT B**  
**CUSTOMER NOTICE – OHIO CUSTOMERS**



COMMUNICATIONS

2855 South Congress  
Delray Beach, FL 33445

October 18, 2006

Customer Name  
Address  
City, OH Zip

Dear Customer:

We regret to inform you that as of January 16, 2007, Cleartel Telecommunications, Inc. will no longer be providing local and/or long distance telephone service in Ohio.

After a recent audit of our service in Ohio, we have found it is not cost effective to continue doing business within this territory. As a result, we have made the decision to discontinue providing local telephone service.

Please note, we have applied to the Ohio Public Utilities Commission and the Federal Communications Commission for authority to discontinue service in Ohio. The FCC will normally authorize the proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, DC 20554, referencing the Sec. 63.71 Application of Cleartel. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.

Your action is required! You must act now and select a new telephone provider as quickly as possible, but no later than January 16, 2007 or you will lose your telephone service. A list of most local telephone service providers may be found in your local telephone directory or online at the following link:

<http://www.puc.state.oh.us/pucogis/CLECS2003.html>

If you require assistance, please contact Cleartel at 1-888-389-1400. If you are unable to identify another provider and we are unable to assist you, you may also contact the Public Utilities Commission of Ohio at (800) 686-PUCO (7826) or (800) 686-1570 (TTY-TDD).

Cleartel any regrets any inconvenience this change may cause you.

Sincerely,

James Doherty  
C.O.O.



**EXHIBIT C**  
**CERTIFICATE OF SERVICE**

## **CERTIFICATE OF SERVICE**

I hereby certify that in accordance with 47 CFR 63.71 of the Federal Communications Commission's ("Commission") rules, Cleartel Telecommunications, Inc. ("Cleartel") has provided notice of the planned discontinuance of service in the States of Connecticut and Ohio to all affected customers and a copy of the filing of its Section 63.71 Application pertaining to the same to the following parties via first class U.S. Mail on :

The Honorable M. Jodi Rell  
Office of the Governor  
State Capitol  
210 Capitol Avenue  
Hartford, CT 06106

The Honorable Bob Taft  
30th Floor  
77 South High Street  
Columbus, Ohio 43215-6117

Louise Rickard, Acting Executive Secretary  
State of Connecticut  
Department of Utility Control  
Ten Franklin Square  
New Britain, CT 06051

Public Utilities Commission of Ohio  
Attention: Docketing Division  
180 East Broad Street  
Columbus, OH 43215-3793

Secretary of Defense  
ATTN: Special Assistant for Telecommunications  
The Pentagon  
Washington, D.C. 20301

Dated this 20<sup>th</sup> day of October 2006.

**CLEARTEL TELECOMMUNICATIONS, INC.**

  
\_\_\_\_\_  
Scott Kellogg  
Attorney at Law  
525 West Hawthorne Place, Suite 901  
Chicago, Illinois 60657  
Telephone: (773) 251-5580  
Facsimile: (773) 572-8603

Its Attorney

SCOTT KELLOGG  
ATTORNEY AT LAW  
525 WEST HAWTHORNE PLACE, SUITE 901  
CHICAGO, IL 60657  
773-251-5580 (V) 773/572-8603 (F)

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October 20, 2006

Louise Rickard, Acting Executive Secretary  
State of Connecticut  
Department of Utility Control  
Ten Franklin Square  
New Britain, CT 06051

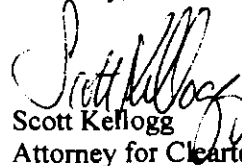
Dear Ms. Rickard:

Recently, Cleartel Telecommunications, Inc. ("Cleartel") filed an application with the Federal Communications Commission ("FCC") to discontinue offering telecommunications services to customers in the States of Connecticut and Ohio. Cleartel previously submitted the company's "Exit Plan" pertaining to the same matter concerning Connecticut customers to the Connecticut Department of Public Utility Control ("Department") on September 1, 2006 in Docket No. 02-11-08.

As required by 47 CFR 63.71 of the FCC's regulations, enclosed is a copy of Cleartel's aforementioned application filed with the FCC. Please note, as indicated in that application, the number of Connecticut customers who will be required to find alternate service is approximately 160. Notice was provided to all such customers consistent with the FCC's regulations, as well as the Department's Mass Migration Guidelines. Further, please note that Cleartel provides services in the State of Connecticut using the underlying network of The Southern New England Telephone Company d/b/a AT&T Connecticut. Accordingly, all such customers have at least one alternate service provider available to them.

If you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,



Scott Kellogg

Attorney for Cleartel Telecommunications, Inc.

Enclosure

SCOTT KELLOGG  
ATTORNEY AT LAW  
525 WEST HAWTHORNE PLACE, SUITE 901  
CHICAGO, IL 60657  
773-251-5580 (V) 773/572-8603 (F)

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October 20, 2006

Public Utilities Commission of Ohio  
Attention: Docketing Division  
180 East Broad Street  
Columbus, OH 43215-3793

RE: Case No. 06-1272-TP-ABN

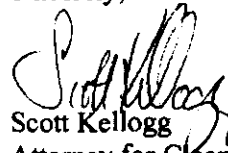
Dear Sir or Madam:

Recently, Cleartel Telecommunications, Inc. ("Cleartel") filed an application with the Federal Communications Commission ("FCC") to discontinue offering telecommunications services to customers in the States of Connecticut and Ohio. Cleartel previously submitted an application pertaining to the same matter concerning Ohio customers to the Public Utilities Commission of Ohio ("PUCO") on October 19, 2006 in Case No. 06-1272-TP-ABN.

As required by 47 CFR 63.71 of the FCC's regulations, enclosed is a copy of Cleartel's aforementioned application filed with the FCC. Please note, as indicated in that application, the number of Ohio customers who will be required to find alternate service is approximately 300. Notice was provided to all such customers consistent with the FCC's regulations, as well as the PUCO's regulations. Further, please note that Cleartel provides services in the State of Ohio using the underlying network of AT&T Ohio. Accordingly, all such customers have at least one alternate service provider available to them.

If you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,



Scott Kellogg  
Attorney for Cleartel Telecommunications, Inc.

Enclosure

SCOTT KELLOGG  
ATTORNEY AT LAW  
525 WEST HAWTHORNE PLACE, SUITE 901  
CHICAGO, IL 60657  
773-251-5580 (V) 773/572-8603 (F)

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October 20, 2006

Secretary of Defense  
ATTN: Special Assistant for Telecommunications  
The Pentagon  
Washington, D.C. 20301


Dear Sir or Madam:

Recently, Cleartel Telecommunications, Inc. ("Cleartel") filed an application with the Federal Communications Commission ("FCC") to discontinue offering telecommunications services to customers in the States of Connecticut and Ohio.

As required by 47 CFR 63.71 of the FCC's regulations, enclosed is a copy of Cleartel's aforementioned application filed with the FCC. Please note, as indicated in that application, the number of customers who will be required to find alternate service is approximately 160 in Connecticut and approximately 300 in Ohio. Notice was provided to all such customers consistent with the FCC's regulations, as well as the Connecticut Department of Public Utility Control's Mass Migration Guidelines, and the Public Utilities Commission of Ohio's regulations. Further, please note that Cleartel provides services in the State of Connecticut using the underlying network of The Southern New England Telephone Company d/b/a AT&T Connecticut, and in the State of Ohio using the underlying network of AT&T Ohio. Accordingly, all such customers have at least one alternate service provider available to them.

If you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,

  
Scott Kellogg  
Attorney

Enclosure

SCOTT KELLOGG  
ATTORNEY AT LAW  
525 WEST HAWTHORNE PLACE, SUITE 901  
CHICAGO, IL 60657  
773-251-5580 (V) 773/572-8603 (F)

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October 20, 2006

The Honorable M. Jodi Rell  
Office of the Governor  
State Capitol  
210 Capitol Avenue  
Hartford, CT 06106

Dear Governor Rell:

Recently, Cleartel Telecommunications, Inc. ("Cleartel") filed an application with the Federal Communications Commission ("FCC") to discontinue offering telecommunications services to customers in the States of Connecticut and Ohio.

As required by 47 CFR 63.71 of the FCC's regulations, enclosed is a copy of Cleartel's aforementioned application filed with the FCC. Please note, as indicated in that application, the number of Connecticut customers who will be required to find alternate service is approximately 160. Notice was provided to all such customers consistent with the FCC's regulations, as well as the Connecticut Department of Public Utility Control's Mass Migration Guidelines. Further, please note that Cleartel provides services in the State of Connecticut using the underlying network of The Southern New England Telephone Company d/b/a AT&T Connecticut. Accordingly, all such customers have at least one alternate service provider available to them.

If you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,



Scott Kellogg  
Attorney for Cleartel Telecommunications, Inc.

Enclosure

SCOTT KELLOGG  
ATTORNEY AT LAW  
525 WEST HAWTHORNE PLACE, SUITE 901  
CHICAGO, IL 60657  
773-251-5580 (V) 773/572-8603 (F)

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October 20, 2006

The Honorable Bob Taft  
30th Floor  
77 South High Street  
Columbus, Ohio 43215-6117

Dear Governor Taft:

Recently, Cleartel Telecommunications, Inc. ("Cleartel") filed an application with the Federal Communications Commission ("FCC") to discontinue offering telecommunications services to customers in the States of Connecticut and Ohio.

As required by 47 CFR 63.71 of the FCC's regulations, enclosed is a copy of Cleartel's aforementioned application filed with the FCC. Please note, as indicated in that application, the number of Ohio customers who will be required to find alternate service is approximately 300. Notice was provided to all such customers consistent with the FCC's regulations, as well as the Public Utilities Commission of Ohio's regulations. Further, please note that Cleartel provides services in the State of Ohio using the underlying network of AT&T Ohio. Accordingly, all such customers have at least one alternate service provider available to them.

If you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,



Scott Kellogg  
Attorney for Cleartel Telecommunications, Inc.

Enclosure